

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR., et al.,

Plaintiffs,

v.

CEO, SUCCESSOR FOR DEUTSCHE  
NATIONAL TRUST COMPANY, et al.,

Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court is defendant United States Magistrate Judge David T. Bristow's ("Magistrate Bristow") motion to dismiss. Doc. #28.<sup>1</sup> Plaintiff Linwood Edward Tracy, Jr. ("Tracy") filed an opposition to the motion. Doc. #43.

**I. Facts and Background**

At its core, this is a wrongful foreclosure and wrongful taxation action. Plaintiff William Gerald Filion ("Filion") owned real property in California which was subject to state and county tax assessments. The tax assessments went unpaid and the property was subsequently foreclosed on.

On June 21, 2011, plaintiffs filed a civil rights complaint against defendants alleging violations of their First and Fourth Amendment rights. See Doc. #1. Thereafter, Magistrate Bristow filed the present motion to dismiss for judicial immunity. Doc. #28.

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<sup>1</sup> Refers to the court's docket number.

## II. Discussion

Judges are entitled to absolute immunity "from civil liability for damages for their judicial acts." *Mullins v. U.S. Bankruptcy Court for Dist. of Nev.*, 828 F.2d 1385, 1388 (9th Cir. 1987). Judicial immunity is an absolute immunity from suit. *See Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985). Additionally, judicial immunity extends to officials performing quasi-judicial functions. *See Romano v. Bible*, 169 F.3d 1182, 1186 (9th Cir. 1999) ("absolute immunity extends to agency officials when they preside over hearings, initiate agency adjudication, or otherwise perform functions analogous to judges and prosecutors."); *see also, Demoran v. Witt*, 781 F.2d 155, 156 (9th Cir. 1985) ("courts have extended absolute judicial immunity from damage actions under 42 U.S.C. § 1983 not only to judges but also to officers whose functions bear a close association to the judicial process."):

In the complaint, plaintiffs allege that Magistrate Bristow, as a magistrate judge in the Central District of California, violated their civil rights by engaging in issuing adverse rulings in a separate civil rights action initiated in the Central District of California. The court has reviewed the documents and pleadings on file in this matter and finds that Magistrate Bristow is entitled to judicial immunity because the allegations in the complaint relate solely to judicial acts carried out by Magistrate Bristow in his capacity as judge. Accordingly, the court shall grant Magistrate Bristow's motion to dismiss for judicial immunity.

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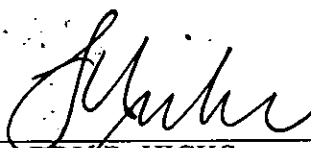
1 IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #28) is  
2 GRANTED. Defendant United States Magistrate Judge David T. Bristow is DISMISSED as a  
3 defendant in this action.

4 IT IS FURTHER ORDERED that defendant's motion to extend time to file an answer  
5 (Doc. #26) is GRANTED nunc pro tunc.

6 IT IS FURTHER ORDERED that plaintiff's motion to strike defendant's motion to dismiss  
7 (Doc. #48) is DENIED.

8 IT IS SO ORDERED.

9 DATED this 19<sup>th</sup> day of September, 2011.

  
LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE